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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/679,402

10/07/2003

Takahiro Kobi

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01/10/2006

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WASHINGTON, DC 20036

EXAMINER

AKANBI, ISIAKA O

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/679,402		KOBI, TAKAHIRO	
	<b>Examiner</b>		<b>Art Unit</b>	
	Isiaka O. Akanbi		2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07 October 2003</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement file 07 October 2003 has been entered and reference considered by the examiner.

### *Drawings*

The examiner approves the drawings filed 07 October 2003.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura (5,748,482). The reference of Nishimura discloses the features of the claimed as follows:

As regard to claim 1, Nishimura discloses a misalignment amount detection apparatus for detecting a misalignment amount between a rotation center axis of a rotation angle position detector comprising first and second members provided so as to be relatively rotatable around the rotation center axis and having a scale on the one member and a reader on the other member and a rotation center axis of a rotary table on which said rotation angle position detector is disposed, comprising of the following:

a first base (9) secured to an upper face of said rotary table (2) in a state wherein said first member of said rotation angle position detector (6) secured to an upper face said first base, a second base (19) mounted on said first base via said second member and said first member so as to be relatively rotatable to said first base, in a state wherein said second member of said rotation angle position detector (6) secured lower face of said second base, a first movable body

(25/16) provided so as to be relatively movable with respect said second base along a first axis orthogonal to the rotation center axis said rotary table, a first guide mechanism, (8) disposed on said second base, for guiding said first movable body along said first axis, a first position detector (11) for detecting a relative positional relationship between said second base and said first movable body direction of said first axis, a second movable body (25/16) provided so as to be relatively movable with respect to said first movable body along a second axis orthogonal to the rotation center axis of said rotary table and intersecting said first axis, a second guide mechanism, disposed on said first movable body, for guiding said second movable body along said second axis, a second position detector (20) for detecting relative positional relationship between said first movable body and said second movable body a direction said second axis, and restraining means (9) for restraining movement of said second movable body at least in a plane orthogonal to the rotation center axis of said rotary table (fig. 1a and 1b)(col. 4, line 35-col. 5, line 1-57).

As to claim 2 and 3, according to claim 1, Nishimura discloses first base on said rotary table so as to be movable a long said first and second axes, and position adjustment means for adjusting a position of said first base in the directions of said first and second axes, further discloses a drive mechanism for moving said first base in the directions of said first and second axes, and a control section for moving said first base in the directions of said first and second axes by controlling an operation of said drive mechanism on the basis of detection positions in the directions of said first and second axes detected by said first and second position detectors (col. 9, line 8-col. 10, line18).

As to claim 4, Nishimura discloses an accuracy analysis apparatus for analyzing a rotation accuracy of rotary table of a machine tool having said rotary table (2), a rotation drive mechanism (4) for indexing said rotary table to a predetermined rotation angle position by rotating said rotary table and a control apparatus (23) for controlling an operation of said rotation drive mechanism, comprising of rotation accuracy analyzing means (23) for analyzing the rotation accuracy of said rotary table (2) on the basis of a rotation angle position commanded by said control apparatus and an actual rotation angle position of said rotary table detected by said rotation angle position detector (6).

As to claim 5, Nishimura discloses an accuracy analysis apparatus for analyzing a rotation operation accuracy of a rotary table a machine tool having said rotary table(2), a rotation drive mechanism (4) for indexing said rotary table to a predetermined rotation angle

position by rotating said rotary table, a rotation angle position detector (6) for detecting a rotation angle position driven and controlled by said rotation drive mechanism, and a control apparatus (23) for feedback-controlling said rotation drive mechanism on the basis of a rotation angle position detected by said rotation angle position detector, comprising of operation accuracy analyzing means (23) for analyzing the rotation operation accuracy of said rotary table on the basis of the rotation angle position detected by said rotation angle position detector of said machine tool and the rotation angle position detected by said rotation angle position detector of said alignment apparatus (fig. 1)(col. 11, line 28-35)

### **Additional Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed in the attached form PTO-892 teach of other prior art misalignment amount detection apparatus for detecting a misalignment amount between a rotation center axis of a rotation angle position detector that may anticipate or obviate the claims of the applicant's invention.

### **Conclusion**

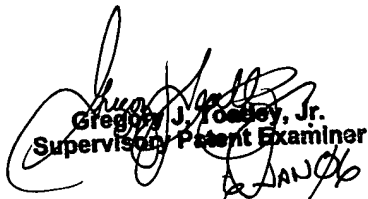
### **Fax/Telephone Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isiaka Akanbi whose telephone number is (571) 272-8658. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isiaka Akanbi  
January 4, 2006

  
Gregory J. Tooley, Jr.  
Supervisory Patent Examiner  
JAN 06